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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Yoshihiro FUKANO et al.

U.S. Serial No. 10/706,945

Group Art Unit: 3679

Filing Date: November 14, 2003

Examiner: A. Dunwoody

Title: TUBE JOINT

PETITION TO THE DIRECTOR UNDER 37 CFR § 1.181

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a petition to the Director under 37 CFR § 1.181(a)(3) to invoke the supervisory authority of the Director in appropriate circumstances. Although substantial efforts were made to resolve this issue with the Examiner and the Supervisory Examiner in charge of the present application, a satisfactory resolution has not been reached, leaving the applicant with no option other than this petition, as the only way to have this issue considered and resolved by the USPTO. Further, a call was made to the Office of Petitions on today's date to discuss the facts herein, whereupon an Office paralegal recommended the filing of this petition under 37 CFR § 1.181.

Statement of Facts

Following the applicant's Request for Continued Examination (RCE) on May 3, 2005, the current status of the present

application, as indicated in the PAIR records, is that an allowance was counted (status date May 16, 2005). Although this case apparently has been allowed as of May 16, 2005, a Notice of Allowance was not mailed to the applicant and there is no indication of the Notice of Allowance in the image file wrapper. In other words, it appears that although the Examiner prepared a Notice of Allowance and this allowance was counted, the actual Notice of Allowance possibly was misplaced and, in any event, was not properly entered into the file wrapper transaction history and mailed to the applicant. Thus, the present application has been suspended in a state of limbo since May 16, 2005. (See the attached PAIR bibliographic data and transaction history.)

To attempt of resolve this matter, a telephone call was made to Examiner Dunwoody on May 10, 2006. While the Examiner indicated that he recognized the problem, the Examiner stated that he did not know of any way to correct the problem or, in other words, that there was nothing he could do. The applicant's counsel then telephoned Supervisory Examiner Stodola, again requesting the Examiner's assistance in resolving this issue. Examiner Stodola indicated that he thought a renewed Notice of Allowance should be prepared and issued, and stated that he would instruct Examiner Dunwoody to take such appropriate action.

Seven weeks have past since these discussions with Examiners Dunwoody and Stodola, but as yet no action has been taken in the present application.

Accordingly, the undersigned hereby requests that the Director take appropriate action, to ensure that a renewed Notice

of Allowance is promptly prepared and mailed to the applicant as soon as possible. Any applicable patent term adjustments under 35 U.S.C. § 154(b) resulting from USPTO error in this matter should also be attributed to the present application.

Petition Fees. Since the need for this Petition arose solely due to USPTO error, it is respectfully submitted that no fees are currently due. Notwithstanding, in the event that fees, or deficiencies in fees, are deemed necessary in connection with this or any accompanying communication, such fees may be charged to the Attorney's Deposit Account No. 07-2519.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul A. Guss', with a long horizontal flourish extending to the right.

Paul A. Guss
Reg. No. 33,099
Attorney for Applicants

CS-31-031114

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Tel. 703-486-2710



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PPA

Application Data	Transaction History	Image File Wrapper	Foreign Priority	Published Document	Publication Dates	Address & Attorney/Agent
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Bibliographic Data

Application Number:	10/706,945	Customer Number:	-
Filing or 371 (c) Date:	11-14-2003	Status:	Allowance Counted
Application Type:	Utility	Status Date:	05-16-2005
Examiner Name:	DUNWOODY, AARON M	Location:	ELECTRONIC
Group Art Unit:	3679	Location Date:	-
Confirmation Number:	7414	Earliest Publication No:	US 2004-0100097 A1
Attorney Docket Number:	CS-31-031114	Earliest Publication Date:	05-27-2004
Class / Subclass:	285/245	Patent Number:	-
First Named Inventor:	Yoshihiro Fukano , Moriya-Shi, (JP)	Issue Date of Patent:	-

Title of Invention: Tube joint

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Transaction History

Date	Transaction Description
05-11-2005	Date Forwarded to Examiner
05-11-2005	Date Forwarded to Examiner
05-03-2005	Request for Continued Examination (RCE)
05-11-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
05-03-2005	Workflow - Request for RCE - Begin
04-14-2005	Mail Advisory Action (PTOL - 303)
04-13-2005	Advisory Action (PTOL-303)
04-12-2005	Date Forwarded to Examiner
04-05-2005	Amendment after Final Rejection
04-05-2005	Request for Extension of Time - Granted
03-17-2005	Reference capture on IDS
03-17-2005	Information Disclosure Statement (IDS) Filed
02-23-2005	Information Disclosure Statement (IDS) Filed
01-04-2005	Mail Final Rejection (PTOL - 326)
01-02-2005	Final Rejection
11-10-2004	Reference capture on IDS
11-10-2004	Information Disclosure Statement (IDS) Filed
11-08-2004	Date Forwarded to Examiner
10-28-2004	Response after Non-Final Action
10-31-2004	Information Disclosure Statement (IDS) Filed
07-29-2004	Mail Non-Final Rejection
07-26-2004	Non-Final Rejection
04-06-2004	Case Docketed to Examiner in GAU
04-06-2004	IFW TSS Processing by Tech Center Complete
11-14-2003	Request for Foreign Priority (Priority Papers May Be Included)
11-14-2003	Reference capture on IDS
11-14-2003	Information Disclosure Statement (IDS) Filed
02-12-2004	Application Return from OIPE
02-12-2004	Application Return TO OIPE
02-12-2004	Application Dispatched from OIPE
02-13-2004	Application Is Now Complete
02-02-2004	Cleared by OIPE CSR
12-23-2003	IFW Scan & PACR Auto Security Review
11-14-2003	Initial Exam Team nn

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